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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,407	04/14/2004	Keiji Ito	10873.1428US01	9378
23552	7590	04/07/2006	EXAMINER	
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			GOLUB, MARCIA A	
			ART UNIT	PAPER NUMBER
			2828	

DATE MAILED: 04/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/825,407	Applicant(s) ITO ET AL.	
	Examiner Marcia A. Golub	Art Unit 2828	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) 7 and 8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 9-11 is/are rejected.
- 7) ☐ Claim(s) 3, 4 and 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/14/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Applicant's election without traverse of **claims 1-6, 9-11** in the reply filed on 3/15/06 is acknowledged.

Claim Objections

Claims 3, 4 and 10 are objected to because of the following informalities: **Claims 3 and 4** should be dependent on claim 1, since claim 2 specifies a Nitride based material. **Claim 10** can be interpreted as $(L1+L3)<L/20$ or $(L1 \text{ or } L3)<L/20$.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 5, 6, 9-11 rejected under 35 U.S.C. 102(b) as being anticipated by Balsamo et al. (2003/0031222), hereinafter '222.

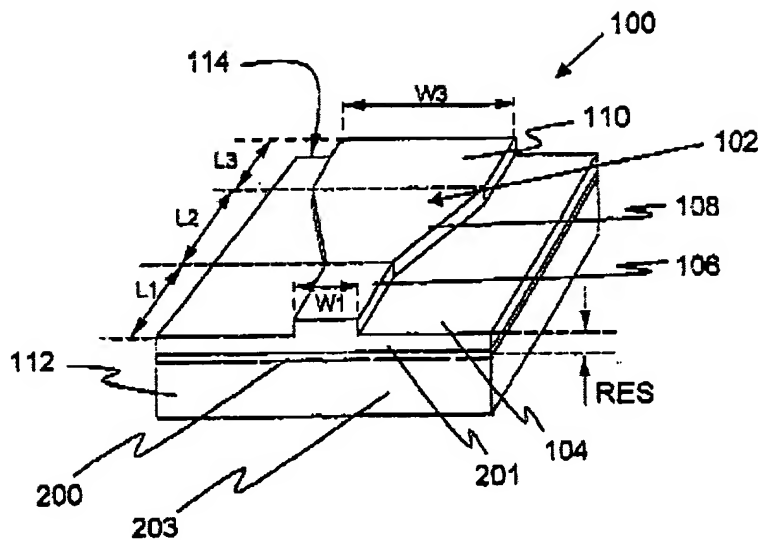
Regarding **claim 1**, Fig 1 of '222 discloses a semiconductor laser device, comprising:

“a first conductivity type cladding layer [203]; an active layer [200]; and a second conductivity type cladding layer [201], which are on a substrate [204],

wherein the semiconductor laser device further comprises a stripe structure [102] for injecting carriers therein,

a width of the stripe is wider at a front end face [W3] of a resonator [100] from which laser light is emitted than at a rear end face [W1] that is located on an opposite side of the front end face, (paragraph 0062)

and a reflectance of the front end face [114] is lower than a reflectance of the rear end face [112].” (paragraph 0062)



Regarding **claims 3, 5, 6, 9-11**, Fig 1 of '222 discloses a semiconductor laser device, comprising:

3. "wherein at least the active layer [200:200b, 200b] comprises an AlGaAs based semiconductor material (paragraph 0057);
5. "wherein a ratio between the stripe width [W3] at the front end face and the stripe width at the rear end face [W1] satisfies a relationship of $1 < (\text{the stripe width at the front end face}) / (\text{the stripe width at the rear end face}) < 2$ (for example: $W3=9$, $W1=5$ μm , $W3/W1=1.8$, paragraph 0023);
6. "wherein the ratio between the stripe width at the front end face and the stripe width at the rear end face satisfies a relationship of $1.4 < (\text{the stripe width at the front end face}) / (\text{the stripe width at the rear end face}) < 1.8$ (paragraph 0023);
9. "wherein the stripe structure has regions adjacent to the front end face [W3,L3] and the rear end face [W1,L1], the regions respectively extending inwardly from the front end face [114] and the rear end face [112] and each having a constant stripe width (paragraph 0062)

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10. "wherein the regions having the constant stripe widths extend inwardly from the front end face and the rear end face, respectively, by a length of one-twentieth or shorter of a length of the resonator ($L1, L3 < L/20$); [$L3 > L/25$, $L1 < 16L/20$] (paragraphs 0024, 0026)

11. "wherein the reflectance of the front end face [85%] is lower than the reflectance of the rear end face [9%] by 15% or more." (paragraph 0062)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over '222.

Regarding **claims 2 and 4**, Fig 1 of '222 discloses a semiconductor laser device, as disclosed above, but does not disclose:

2. "wherein at least the active layer comprises a Group III-V nitride based semiconductor material;

4. wherein at least the active layer comprises an AlGaInP based semiconductor material."

These materials/elements are known in the art to be used with lasers.

It would have been obvious to one of ordinary skill in the art at the time the of the invention to make the laser of these known materials/elements, since it has been held to be within the general skill of a worker in the art to select a known material/element on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 227 F.2d 197, 125 USPQ 416 (CCPA 1960).

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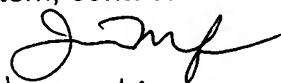
Contact Info

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcia A. Golub whose telephone number is 571-272-8602. The examiner can normally be reached on M-F 9-6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Minsun Harvey can be reached on 571-272-1835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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